

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

JAMES ALAN WEST,

Plaintiff,

v.

Case No. 5:23-cv-177-TJC-PDB

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security  
Administration,

Defendant.

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**ORDER**

Upon review, it is hereby

**ORDERED:**

1. The Commissioner's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant (Doc. 12), is **GRANTED** and the Magistrate Judge's Report and Recommendation (Doc. 13) is **ADOPTED**.

2. Pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further action. Upon remand, the Appeals Council will instruct the Administrative Law Judge to reconsider the medical opinions and prior administrative medical findings; reconsider the residual functional capacity; obtain additional vocational expert (VE) evidence, and before relying on VE

evidence, the ALJ shall identify and resolve any conflict posed by the VE testimony and Dictionary of Occupational Titles, and shall explain in the decision how any conflicts identified have been resolved; offer the claimant the opportunity for a new hearing; and issue a new decision only for the period prior to June 7, 2021.

3. The Clerk is directed to **enter judgment** in favor of plaintiff and against the Commissioner and **close** the file.

4. If plaintiff ultimately prevails in this case upon remand to the Social Security Administration, any motion for attorney's fees under 42 U.S.C. § 406(b) and/or 42 U.S.C. § 1383(d)(2) must be filed within fourteen days from plaintiff's counsel's receipt of any "close-out" letter. The motion must include the agency letter stating the amount of past-due benefits withheld, include any applicable contingency fee agreement, and establish the fee is reasonable for the services rendered. This Order does not extend the time limits for filing a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

**DONE AND ORDERED** in Jacksonville, Florida this 7th day of June,  
2023.



*Timothy J. Corrigan*  
TIMOTHY J. CORRIGAN  
United States District Judge

s.  
Copies:

Honorable Patricia D. Barksdale  
United States Magistrate Judge

Counsel of record